

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15437 of Peter Whitmore, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that will increase and extend an existing nonconforming side yard [Paragraph 2001.3(c)], and a variance from the side yard requirements (Sub-section 405.9) for an addition to a nonconforming single-family dwelling in an R-1-B District at premises 2820 Hurst Terrace, N.W., (Square 1420, Lot 14).

HEARING DATE: January 30, 1991  
DECISION DATE: January 30, 1991 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission (ANC) 3D. ANC 3D, which is automatically a party to the application, filed a written statement in support of the application.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 3D and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2001.3(c) and 405.9. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED, subject to the CONDITION that a corrected survey plat be prepared to the satisfaction of the D.C. Surveyor and submitted at the time the applicant files for a building permit.


Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

BZA APPLICATION NO. 15437  
PAGE 2

VOTE: 4-0 (Paula L. Jewell, Sheri M. Pruitt, Maybelle Taylor Bennett, and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER:

FEB 11 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, 'NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENMTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.'

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15437Order/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15437

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated FEB 11 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Peter Whitmore  
2820 Hurst Terrace  
Washington, D.C. 20016

Joseph D. Murphy, Chairperson  
Advisory Neighborhood Commission 3D  
P.O. Box 40846  
Palisades Station  
Washington, D.C. 20016

A handwritten signature in dark ink, appearing to read "E. L. Curry", written over a horizontal line.

Edward L. Curry  
Executive Director

DATE: FEB 11 1991

ATTES.6/BHS